- (2) PUBLIC HEARING.—
- (A) GENERAL RULE.—Before making the determination and publishing the list required by paragraph (1), the Secretary of the Treasury shall hold a public hearing for the purpose of receiving oral and written testimony regarding the persons to be included on the
- (B) ADDITIONS AND DELETIONS.—The Secretary of the Treasury may add or delete persons from the list based on information available to the Secretary or upon receipt of a request containing sufficient information to take such action.
- (3) DEFINITIONS AND SPECIAL RULES.—For purposes of making the determination required by paragraph (1), the following definitions apply:
- (A) CHINESE DEFENSE INDUSTRIAL TRADING COMPANY.—The term "Chinese defense industrial trading company"
  - (i) means a person that is-
- (I) engaged in manufacturing, producing, or exporting, and
- (II) affiliated with or owned, controlled, or subsidized by the People's Liberation Army,
- (ii) includes any person identified in the United States Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990.
- (B) PEOPLE'S LIBERATION ARMY.—The term "People's Liberation Army" means any branch or division of the land, naval, or air military service or the police of the Government of the People's Republic of China.
- (C) STATE-OWNED ENTERPRISE OF THE PEO-PLE'S REPUBLIC OF CHINA.—(i) The term "state-owned enterprise of the People's Republic of China" means a person who is affiliated with or wholly owned, controlled, or subsidized by the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if-
- (I) the person's assets are primarily owned by a central or provincial government authority:
- (II) a substantial proportion of the person's profits are required to be submitted to a central or provincial government authority;
- (III) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or
- (IV) a license issued by a government authority classifies the person as state-owned.
- (ii) Any person that-
- (I) is a qualified foreign joint venture or is licensed by a governmental authority as a collective, cooperative, or private enterprise;
- (II) is wholly owned by a foreign person,
- shall not be considered to be state-owned. (D) QUALIFIED FOREIGN JOINT VENTURE.-
- The term "qualified foreign joint venture" means any person-
- (i) which is registered and licensed in the agency or department of the Government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, contractual joint venture, or joint stock company with foreign investment:
- (ii) in which the foreign investor partner and a person of the People's Republic of China share profits and losses and jointly manage the venture;
- (iii) in which the foreign investor partner holds or controls at least 25 percent of the investment and the foreign investor partner is not substantially owned or controlled by a state-owned enterprise of the People's Republic of China;
- (iv) in which the foreign investor partner is not a person of a country the government of

- which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) to have repeatedly provided support for acts of international terrorism; and
- (v) which does not use state-owned enterprises of the People's Republic of China to export its goods or services.
- (E) PERSON.—The term "person" means a natural person, corporation, partnership, enterprise, instrumentality, agency, or other entity.
- (F) FOREIGN INVESTOR PARTNER.—The term 'foreign investor partner'' means—
- (i) a natural person who is not a citizen of the People's Republic of China; and
- (ii) a corporation, partnership, instrumentality, enterprise, agency, or other entity that is organized under the laws of a country other than the People's Republic of China and 50 percent or more of the outstanding capital stock or beneficial interest of such entity is owned (directly or indirectly) by natural persons who are not citizens of the People's Republic of China.
- (G) NONQUALIFIED GOOD.—The term "nonqualified good" means a good to which chapter 39, 44, 48, 61, 62, 64, 70, 73, 84, 93, or 94 of the Harmonized Tariff Schedule of the United States applies.
- (H) CONVICT, FORCED, OR INDENTURED LABOR.—The term "convict, forced, or indentured labor" has the meaning given such term by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).
- (I) VIOLATIONS OF INTERNATIONALLY RECOG-NIZED STANDARDS OF HUMAN RIGHTS.—The "violations of internationally recognized standards of human rights" includes but is not limited to torture cruel inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life. liberty, or the security of any person.
- (J) MISSILE TECHNOLOGY CONTROL REGIME. The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missilerelevant transfers based on an annex of mis-
- sile equipment and technology.
  (d) SEMIANNUAL REPORTS.—The Secretary of the Treasury shall, not later than 6 months after the date of the enactment of this Act, and the end of each 6-month period occurring thereafter, report to the Congress on the efforts of the executive branch to carry out subsection (c). The Secretary may include in the report a request for additional authority, if necessary, to carry out sub-section (c). In addition, the report shall include information regarding the efforts of the executive branch to carry out subsection

### SEC. 4. PRESIDENTIAL WAIVER.

The President may waive the application of any condition or prohibition imposed on any person pursuant to this Act, if the President determines and reports to the Congress that the continued imposition of the condition or prohibition would have a serious adverse effect on the vital national security interests of the United States.

### SEC. 5. REPORT BY THE PRESIDENT.

If the President recommends in 1995 that the waiver referred to in section 2 be continued for the People's Republic of China, the President shall state in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974, the extent to which the Government of the People's Republic of China has made progress during the period covered by the document, with respect to-

- (1) adhering to the provisions of the Universal Declaration of Human Rights,
- (2) ceasing the exportation to the United States of products made with convict, force, or indentured labor,
- (3) ceasing unfair and discriminatory trade practices which restrict and unreasonably burden American business, and
- (4) adhering to the guidelines and parameters of the Missile Technology Control Regime, the controls adopted by the Nuclear Suppliers Group, and the controls adopted by the Australia Group.

### SEC. 6. SANCTIONS BY OTHER COUNTRIES.

If the President decides not to seek a continuation of a waiver in 1995 for the People's Republic of China under section 402(d) of the Trade Act of 1974, the President shall, during the 30-day period beginning on the date that the President would have recommended to the Congress that such a waiver be continued, undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take a similar action with respect to the People's Republic of China.

It was decided in the Yeas ...... 158 negative ...... Nays ..... 270

#### 93.15[Roll No. 383] AYES-158

Abercrombie Gonzalez Olver Andrews (ME) Goodling Owens Green Applegate Pallone Payne (NJ) Baker (CA) Gunderson Pelosi Barrett (WI) Gutierrez Barton Hall (OH) Porter Poshard Beilenson Hamburg Berman Hefley Rahall Bilbray Hefner Rangel Richardson Bilirakis Hilliard Blackwell Hinchey Rogers Rohrabacher Boehlert. Hobson Bonior Hochbrueckner Ros-Lehtinen Borski Holden Rose Sanders Browder Horn Schiff Brown (OH) Hoyer Schroeder Bunning Hunter Hutchinson Burton Scott Hutto Sensenbrenner Byrne Sharp Shepherd Cardin Hyde Inglis Clay Clayton Smith (NJ) Kaptur Collins (GA) Kasich Smith (TX) Collins (IL) Kennedy Snowe Solomon Collins (MI) Kildee Conyers Spence King Klink Costello Spratt Klug Stearns Stokes Strickland Coyne de Lugo (VI) Lancaster Lantos DeFazio Levin Studds Lewis (GA) Lewis (KY) Dellums Stupak Diaz-Balart Swett Lipinski Taylor (MS) Dickey Dixon Lowey Margolies-Taylor (NC) Torricelli Dornan Mezvinsky Towns Duncan Durbin Markey Traficant Edwards (CA) Mazzoli Underwood (GU) McCloskey Unsoeld Eshoo McHale Upton McKinney Velazquez Evans Meehan Vento Everett Washington Farr Menendez Fields (LA) Mfume Waters Miller (CA) Fish Watt Foglietta Mink Waxman Moakley Ford (MI) Weldon Ford (TN) Molinari Wolf Frank (MA) Woolsey Nadler Neal (MA) Gejdenson Wynn Gephardt Norton (DC) Yates Young (FL) Gilman Obey

### NOES-270

Ballenger Ackerman Bishop Bliley Allard Barca Andrews (NJ) Barcia Blute Andrews (TX) Barlow Boehner Barrett (NE) Archer Bonilla Bartlett Armey Boucher Bacchus (FL) Bateman Brewster Bachus (AL) Becerra Brooks Brown (CA) Bereuter Baker (LA) Bevill Brown (FL)

### JOURNAL OF THE

Bryant Buyer Inhofe Penny Peterson (FL) Inslee CaĬlahan Istook Peterson (MN) Calvert .Jacobs Petri Jefferson Pickett Camp Canady Johnson (CT) Pickle Cantwell Johnson (GA) Pombo Johnson (SD) Carr Pomeroy Castle Johnson, E. B. Portman Price (NC) Johnson, Sam Chapman Pryce (OH) Clement Clinger Kanjorski Quillen Coble Kennelly Quinn Coleman Kim Ramstad Combest Kingston Reed Condit Kleczka Regula Reynolds Cooper Knollenberg Coppersmith Ridge Roberts Kolbe Cramer Kopetski Crane Crapo Cunningham Rostenkowski Kreidler Kyl Roth Danner LaFalce Rowland Roybal-Allard Darden Lambert de la Garza LaRocco Royce Deal Laughlin Rush DeLauro Lazio Sabo DeLay Leach Sangmeister Derrick Lehman Santorum Deutsch Levv Sarpalius Lewis (CA) Dicks Sawyer Dingell Lewis (FL) Saxton Lightfoot Schaefer Doolev Doolittle Linder Schenk Dreier Livingston Schumer Llovd Serrano Dunn Edwards (TX) Long Shaw Ehlers Lucas Shays Emerson Machtley Shuster Maloney English Sisisky Ewing Mann Skaggs Faleomavaega Manton Skeen (AS) Manzullo Skelton Fawell Martinez Slattery Fazio Matsui Slaughter Fields (TX) McCandless Smith (IA) Smith (MI) Filner McCrery McCurdy Fingerhut Smith (OR) Flake McDade Stenholm McDermott Stump Fowler Franks (CT) McHugh Sundquist McInnis Swift Frost Furse McKeon Synar Gallegly McMillan Talent Gekas McNulty Tanner Meek Tauzin Geren Gibbons Meyers Tejeda Gilchrest Gillmor Mica Michel Thomas (CA) Thomas (WY) Gingrich Miller (FL) Thompson Glickman Mineta Thornton Goodlatte Thurman Minge Gordon Mollohan Torkildsen Montgomery Moorhead Torres Tucker Goss Grams Grandy Valentine Moran Greenwood Morella Visclosky Hall (TX) Volkmer Murphy Hamilton Murtha Vucanovich Myers Neal (NC) Hancock Walker Walsh Hansen Harman Nussle Wheat Oberstan Williams Hastert Hastings Ortiz Wilson Hayes Hoagland Orton Wise Oxlev Wyden Hoekstra Packard Young (AK) Hoke Parker Zeliff Houghton Pastor Zimmer Huffington Paxon Payne (VA) Hughes

### NOT VOTING—11

Bentley McCollum Stark
Clyburn Ravenel Whitten
Franks (NJ) Romero-Barcelo
Gallo (PR)
Herger Roukema

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. SKAGGS, assumed the Chair.

When Mr. SHARP, Chairman, pursuant to House Resolution 509, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States China Policy Act of 1994".

### SEC. 2. FINDINGS.

The Congress makes the following findings: (1) The economic, social, political, and cultural welfare of the people of China, who constitute one-fifth of the world's population, is a matter of global humanitarian concern.

(2) By virtue of its size, its economic vitality, its status as a nuclear power, and its role as a permanent member of the United Nations Security Council, China plays a significant role in world affairs.

(3) The United States policy toward China involves balancing multiple interests, including promoting human rights and democracy, securing China's strategic cooperation in Asia and the United Nations, protecting United States national security interests, controlling the proliferation of weapons of mass destruction, promoting a peaceful and democratic transition in Hong Kong, and expanding United States economic contact with China.

(4) United States policy toward China must include as a key objective the promotion of internationally recognized human rights. Specific priorities and methods should be appropriate to the circumstances. Engagement with China rather than its isolation is more likely to foster United States interests.

(5) The opening of China to the West, the adoption of free market economic reforms, the emergence of a strong and entrepreneurial economy that ensures the rise of a Chinese middle class; all have led to expanded individual freedom, a weakening of state control over personal expression, access to the media in the United States, Hong Kong, and the West, and major improvements in living standards for the Chinese people.

(6) United States policies that encourage economic liberalization and increased contact with the United States and other democracies foster respect for internationally recognized human rights and can contribute to civil and political reform in China.

(7) The President's policy statement of May 26, 1994, provides a sound framework for expanding and extending the relationship of the United States with China while continuing the commitment of the United States to its historic values. The United States must develop a comprehensive and coherent policy toward China that addresses the complex and fast-changing reality in that country and promotes simultaneously the human rights, diplomatic, economic, and security interests of the United States toward China.

(8) The United States has an interest in a strong, stable, prosperous, and open China whose government contributes to international peace and security and whose actions are consistent with the responsibilities of great power status. Whether those expectations are met will determine the breadth, depth, and tone of the United States-China bilateral relationship.

(9) Peace and economic progress in East Asia is best assured through a web of cooperative relations among the countries of the region, including China and the United States. The emergence of a militarily powerful China that seeks to dominate East Asia would be regarded as a matter of serious concern by the United States and by other countries in the Asia-Pacific region.

(10) Yet China's performance has been uneven on a number of issues of concern to the United States. In particular, the Chinese Government has failed to observe internationally recognized human rights. In this regard the Congress makes the following declarations:

(A) The Chinese Government itself has made commitments to observe universal human rights norms.

(B) Human rights have universal application and are not solely defined by culture or history.

(C) Chinese policies of particular concern to the United States are the criminalization of dissent, the inhumane treatment in prisons, and the serious repression in non-Han-Chinese areas like Tibet.

(11) Genuine political stability in China and greater respect for internationally recognized human rights, as well as continued economic growth and stability, will only occur in China as a result of a strengthened legal system (based on the rule of law and property rights), the emergence of a civil society, and the creation of political institutions that are responsive to public opinion and the interests of social groups.

(12) China has entered a major transition in its political history which will determine the nature of the domestic system, including respect for internationally recognized human rights, and the Chinese Government's foreign policy. The Chinese Government should accelerate the process of reform of all aspects of Chinese society.

(13) Existing official bilateral and multilateral institutions provide useful venues for engagement with China concerning the rule of law, civil society, respect for internationally recognized human rights, and political institutions that provide humane and effective governance.

(14) American nongovernmental and business organizations, in their various forms of engagement in China, have contributed in that country to the initial emergence of civil society, the strengthening of the legal system, and the expansion of economic autonomv.

## SEC. 3. RECOMMENDATIONS FOR IMPLEMENTATION OF UNITED STATES POLICY.

Congress affirms the President's policy and makes the following recommendations for the conduct of United States policy toward China:

(1) The United States should continue a steady and comprehensive policy of pressing for increased Chinese adherence to international norms, especially those concerning internationally recognized human rights.

(2) Of particular concern to the United States are the following:

(A) The accounting and release of political prisoners.

(B) Access to Chinese prisoners by international humanitarian organizations.

(C) Negotiations between the Chinese Government and the Dalai Lama on Tibetan issues.

(3) The official dialogue with the Chinese Government on human rights issues should continue and be intensified.

(4) As he considers appropriate, the President should use other available modes of official interaction with China to pursue initiatives that are relevant to promoting increased respect for human rights in China.

(5) The United States should expand broadcasting to China, through the Voice of America and Radio Free Asia.

(6) The United States should work through available multilateral fora, such as the United Nations Human Rights Commission, to express concerns about human rights in China and to encourage Chinese adherence to, and compliance with, international human rights instruments. At all appro-

priate times, the United States should work toward and support joint actions to address significant problems. In particular, the United States should seek to secure the participation of other governments in overtures to secure the accounting and release of political prisoners, to encourage access to Chinese prisoners by international humanitarian organizations and negotiations between the Chinese Government and the Dalai Lama.

- (7) Where possible, the United States should take further steps to foster in China the rule of law, the creation of a civic society, and the emergence of institutions that provide humane and effective governance.
- (8) To better carry out the recommendation in paragraph (7), the Secretary of State should encourage United States posts in China to increase reporting on the human rights situation, the rule of law, civil society, and other political developments in China, and to increase appropriate contacts with domestic nongovernmental organizations.
- (9) United States non-governmental organizations should continue and expand activities that encourage the rule of law, the emergence of a civic society, and the creation of institutions that provide humane and effective governance.
- (10) When considering the termination of the suspensions of United States Government activities enacted in section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, the President should explore whether such terminations could be used to elicit specific steps by the Chinese government to enhance respect for internationally recognized human rights or correct abuses of such rights.

# correct abuses of such rights. SEC. 4. UNITED STATES GOVERNMENT PROGRAMS SUPPORTING HUMAN RIGHTS IN CHINA.

- (a) STATEMENT OF POLICY.—Concerning the promotion of human rights in China, it shall be the policy of the United States to promote the following objectives:
- (1) An effective legal system, based on the rule of law.
- (2) Respect for internationally recognized human rights.
- (3) The emergence of civil society.
- (4) The creation of institutions that provide humane and effective governance.
  (b) FACTORS.—In determining how to carry
- (b) FACTORS.—In determining how to carry out the objectives stated in subsection (a), the President should consider the following factors:
- (1) The circumstances under which it is appropriate to provide support to organizations and individuals in China.
- (2) The circumstances under which it is appropriate to provide financial support, including through the following means:
- (A)  $\bar{\text{Directly}}$  by the United States Government.
- (B) Through United States nongovernmental organizations which have established a sound record in China.
- (3) The extent to which the objectives of subsection (a) should be promoted through exchanges, technical assistance, grants to organizations, and scholarships for advanced study in the United States.
- (4) How to assure accountability for funds provided by the United States Government.
  (c) AUTHORIZATION OF APPROPRIATIONS FOR
- FISCAL YEAR 1995.—
- (1) Of the amounts authorized to be appropriated for education and cultural exchange programs of the United States Information Agency for fiscal year 1995, up to \$1,000,000 is authorized to be available for programs to carry out the objectives of subsection (a).
- (2) In addition to such amounts as may otherwise be made available for broadcasting to China for fiscal year 1995, of the amounts authorized to be appropriated for international broadcasting for fiscal year 1995, an

additional \$5,000,000 may be used for broadcasting to China .

## SEC. 5. INTERNATIONAL HUMANITARIAN ORGANIZATIONS.

It is the sense of Congress that, in the event that international humanitarian organizations undertake activities in China related to the treatment of prisoners, the President should make available an additional contribution to those organizations to support such activities.

# SEC. 6. PRINCIPLES TO GOVERN THE ACTIVITIES OF UNITED STATES BUSINESS IN CHINA.

- (a) IN GENERAL.—Congress endorses President Clinton's efforts to work with the leaders of the United States business community to develop voluntary principles that could be adapted by United States companies doing business in China to further advance human rights and commends United States companies that have previously adopted such principles or are considering taking such action.
- (b) OTHER COUNTRIES.—Congress urges the President to encourage other governments to adopt similar principles to govern the activities of their business organizations with activities in China.

### SEC. 7. PERIODIC REPORTS.

Not more than 180 days after the date of the enactment of this Act and annually for the 2 subsequent years, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate, a report (in a classified form in whole or in part as necessary) which reviews for the preceding 12-month period those activities supported by the United States Government to promote the objectives stated in section 4(a).

## SEC. 8. COMMISSION ON LAW AND SOCIETY IN CHINA.

The President is authorized to establish a United States commission on law and society in the People's Republic of China to undertake the following responsibilities and such other duties as the President considers appropriate:

(1) To monitor developments in China with respect to the following:

(Å) The development of the Chinese legal system.

(B) The emergence of civil society.

- (C) The development of institutions that provide humane and effective governance.
- (2) To engage in an ad hoc dialogue with Chinese individuals and nongovernmental organizations who have an interest in the subjects indicated in paragraph (1).
- (3) To report to the President and to the Congress the commission's findings regarding the subjects identified in paragraph (1) and its discussions with Chinese individuals and organizations concerning those subjects.
- (4) To make recommendations to the President on United States policy toward China in promoting the objectives identified in section 4(a).
- (5) To assess and report to the President and the Congress on whether the creation of a United States-China Commission on Law and Society would contribute to the objectives identified in section 4(a).

Amend the title to read as follows: "Concerning United States efforts to promote respect for internationally recognized human rights in China.".

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. SKAGGS, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

### ¶93.16 SUBPOENA

The SPEAKER pro tempore, Mr. SKAGGS, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, August 3, 1994.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House that Garland Hardeman, a member of my staff, has been served with a subpoena issued by the California Workers Compensation Appeals Board.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

WALTER R. TUCKER III,

Member of Congress.

# ¶93.17 PROVIDING FOR THE CONSIDERATION OF H.R. 4907

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103–689) the resolution (H. Res. 512) providing for the consideration of the bill (H.R. 4907) to reform the concept of baseline budgeting.

When said resolution and report were referred to the House Calendar and ordered printed.

# ¶93.18 PROVIDING FOR THE CONSIDERATION OF H.R. 4906

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103–690) the resolution (H. Res. 513) providing for the consideration of the bill (H.R. 4906) to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation.

When said resolution and report were referred to the House Calendar and ordered printed.

# ¶93.19 PROVIDING FOR THE CONSIDERATION OF H.R. 4822

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-691) the resolution (H. Res. 514) providing for the consideration of the bill (H.R. 4822) to make certain laws applicable to the legislative branch of the Federal Government.

When said resolution and report were referred to the House Calendar and ordered printed.

## ¶93.20 SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 178. Joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week".

And then,